

REMARKS

This amendment is responsive to the non-final Office Action issued September 10, 2009. Reconsideration and allowance of claims 1-18 are requested.

The Office Action

Claims 1-3, 5, 10, 11, and 17 stand rejected under 35 U.S.C. § 102 over Cline (US 741,110).

Claims 4, 6, 12, and 16 stand rejected under 35 U.S.C. § 103 over Cline as modified by Bergeleen (US 2002/0023760).

Claims 7 and 13 stand rejected under 35 U.S.C. § 103 over Cline as modified by Wiestner (US 1,497,820).

Claims 8, 9, 14, and 15 stand rejected under 35 U.S.C. § 103 over Cline as modified by Wiestner, as further modified by Custer (US 48,618).

The Present Amendment

The claims, as amended, find antecedent basis in Figures 8, 8a, and 9.

**The Claims Distinguish Patentably
Over the References of Record**

Claims 1 and 10, as amended, now call for accordion pleats on a chamfer along the front central part.

Cline does not disclose or fairly suggest such accordion pleats. Further, Cline describes a front central part comprising a curved ridge (toe-calk 1, page 1, lines 27-36) extending along the front central part between the left and right branches (Fig. 1). This curved ridge extending along the front central part *increases* the rigidity of the front central part.

Bergeleen describes a horseshoe with a flexible bridge portion **40** defined between the left and right branches **20, 30** (paragraph [0013]). The flexibility of the central bridge can be increased by grinding away the central bridge to varying degrees (paragraph [0026]). A reference indicator, particularly scribe marks **50**, assists the user in grinding away an appropriate amount of the central bridge.

Bergeleen does not describe a front central part having a plurality of ridges or grooves forming accordion pleats disposed on the inner chamfer. The scribe

marks **50** are different from ridges or grooves forming accordion pleats disposed on the inner chamfer. The ridges or grooves forming accordion pleats are three-dimensional configurations; whereas, the scribe marks **50** are flat inscriptions marked on the surface of the central bridge **40**.

The effect of the scribe marks **50** of Bergeleen is to guide the user during grinding. This is different from the effect obtained by ridges or grooves forming accordion pleats. Accordingly, it is submitted that Bergeleen does not disclose the ridges or grooves forming accordion pleats set forth in claims 1 or 10.

Moreover, it is submitted that a man skilled in the art would be deterred from combining Cline and Bergeleen because the teachings of these two documents are *prima facie* not compatible. The Cline horseshoe includes a curved ridge (toe-calk **1**) which increases the rigidity of the front part. By contrast, Bergeleen provides a flexible shoe including a front central part with reduced rigidity, increased flexibility. Thus, the fair teachings of Cline and Bergeleen are in opposition to each other.

Moreover, if one skilled in the art tried to combine Cline and Bergeleen, the combination would still not meet the limitations of claims 1 or 10, because neither Cline nor Bergeleen have accordion pleats.

If one of ordinary skill in the art were still determined to apply the teachings of Bergeleen to Cline, then he would grind away the central part of Cline to reduce its section. By grinding the shoe of Cline, one would obtain a front central part with a narrower section than the side branches. That is, the side branches would no longer comprise a zone whose interior edge presents a simple curved inner profile and whose width is narrower than the front central part or toe piece.

One would, thus, lose the effects and advantages of an inner edge which presents a simple curved inner profile and whose width is narrower along the side branches than along the front central part or toe piece.

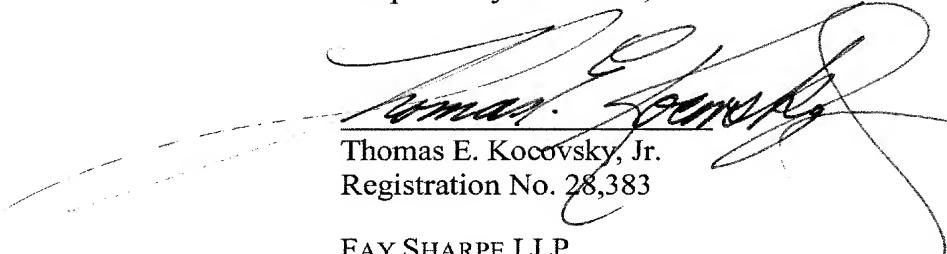
Accordingly, it is submitted that **claim 1 and claims 2-9 dependent therefrom** and **claim 10 and claims 11-18 dependent therefrom** distinguish patentably and unobviously over the references of record.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1-18 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,


Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com